



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2018 JUL 13 AM 11:20

**SENSITIVE**

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**JUL 12 2018**

Michael Ryan

RE: MUR 7363

Dear Mr. Ryan:

The Federal Election Commission reviewed the allegations in your complaint received on April 11, 2018. On July 11, 2018, based upon the information provided in the complaint, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to an unknown respondent, and close its file in this matter. Accordingly, the Commission closed its file in this matter on July 11, 2018. A copy of the Factual and Legal Analysis, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

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3 RESPONDENTS: Unknown Respondent MUR 7363  
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6 This matter was generated by a complaint alleging violations of the Federal Election  
7 Campaign Act of 1971, as amended (“the Act”) and Commission regulations by an unknown  
8 respondent. It was scored as a low-rated matter under the Enforcement Priority System, by  
9 which the Commission uses formal scoring criteria as a basis to allocate its resources and decide  
10 which matters to pursue.

11 The Complaint alleges that an unknown respondent violated the Act by registering the  
12 complainant’s name as a domain address without his permission.<sup>1</sup>

13 The Act and Commission regulations prohibit federal candidates and their employees or  
14 agents from fraudulently misrepresenting themselves or any committee or organization under  
15 their control as speaking, writing, or otherwise acting on behalf of any other candidate or  
16 political party or employee or agent thereof on a matter which is damaging to the other candidate  
17 or political party or employee or agent.<sup>2</sup> The Act and Commission regulations also prohibit any  
18 person from fraudulently misrepresenting themselves as speaking, writing, or otherwise acting  
19 on behalf of any candidate or political party or employee or agent thereof for the purpose of  
20 soliciting contributions or donations.<sup>3</sup>

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<sup>1</sup> Compl. at 1 (Apr. 11, 2018). The complainant, Michael Ryan, is a 2018 candidate for the U.S. House of Representatives in Texas’s tenth congressional district. *Id.*; see also The Libertarian Party of Texas, 2018 Candidates, [http://www.lptexas.org/2018\\_candidates](http://www.lptexas.org/2018_candidates) (last visited Jun. 12, 2018). The domain address at issue is michaelryan2018.com. Compl. at 1. As of the date of this report, michaelryan2018.com could not be accessed.

<sup>2</sup> 52 U.S.C. § 30124(a); 11 C.F.R § 110.16(a).

<sup>3</sup> 52 U.S.C. § 30124(b); 11 C.F.R § 110.16(b).

1           Construed broadly, the Complaint appears to allege that an unknown person has engaged,  
2 or may engage, in fraudulent misrepresentation or solicitation. However, at this time, the domain  
3 address is not active and there is no information to suggest that the domain owner is using the  
4 domain to misrepresent himself as acting on behalf of the complainant or fraudulently soliciting  
5 contributions or donations.

6           In furtherance of the Commission's priorities relative to other matters pending on the  
7 Enforcement docket and the fact that the domain address is not active, the Commission exercises  
8 its prosecutorial discretion and dismisses the allegations as to the unknown respondent. *Heckler*  
9 *v. Chaney*, 470 U.S. 821, 831-32 (1985).